

Exhibit 3

(Affidavit of Kevin J. Loftus)

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA
PHILADELPHIA DIVISION

**Road-Con, Inc.; Neshaminy
Constructors, Inc.; Loftus Construction,
Inc.; PKF-Mark III, Inc.; and Scott A.
LaCava,**

Plaintiffs,

Case No. 2:19-cv-01667-JS

v.

City of Philadelphia; and James Kenney,
in his official capacity as mayor of the City
of Philadelphia,

Defendants.

AFFIDAVIT OF KEVIN J. LOFTUS

I, Kevin J. Loftus, being duly sworn, state as follows:

1. My name is Kevin J. Loftus. I am over 21 years old and fully competent to make this affidavit. I submit this affidavit in support of the plaintiffs' motion for summary judgment and permanent injunction.
2. I have personal knowledge of the matters contained in this affidavit, and all of the facts stated in this affidavit are true and correct.
3. I am the President and Chief Executive Officer of Loftus Construction, Inc. ("Loftus").
4. Loftus's principal place of business is located at 1903 Taylors Lane, Cinnaminson, New Jersey 08077.
5. Loftus is a prequalified PennDOT contractor that regularly works on PennDOT projects with employees who are members of the United Steelworkers.

6. Loftus has completed many projects for state and federal agencies, including PennDOT and SEPTA, which include projects owned by those agencies located within the city of Philadelphia.

7. Loftus is a member of the Pennsylvania Heavy and Highway Contractors Bargaining Association (the "Association").

8. A copy of the collective bargaining agreement between the Association and the United Steelworkers is attached as Exhibit "A" to the Plaintiffs' Requests for Admission.

9. The collective-bargaining agreement between the Association and the United Steelworkers governs the terms and conditions of employment at Loftus.

10. The employees of Loftus have chosen the United Steelworkers to be their bargaining representative.

11. In March of 2019, the city of Philadelphia issued a solicitation of bids for the 15th Street Bridge Project.

12. Loftus was interested in submitting a bid for the 15th Street Bridge Project when this lawsuit was filed on April 18, 2020.

13. Loftus is qualified to perform the work on the 15th Street Bridge Project, and Loftus was recommended for qualification to bid on the 15th Street Bridge Project.

14. Loftus has been pre-qualified by PennDOT to perform the type of work necessary to complete the 15th Street Bridge Project.

15. Because Loftus maintains a collective bargaining agreement with the United Steelworkers, it could not perform work on the 15th Street Bridge Project with its current workforce when this lawsuit was filed.

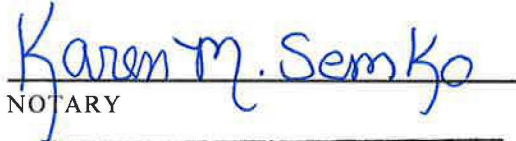
16. Because Loftus maintains a collective-bargaining agreement with the United Steelworkers, it cannot perform work on any city of Philadelphia public-works subject to a project labor agreement with its current workforce.

This concludes my sworn statement.



KEVIN J. LOFTUS

Subscribed and sworn to me
This 16th day of July, 2020


NOTARY

KAREN M. SEMKO
NOTARY PUBLIC
STATE OF NEW JERSEY
MY COMMISSION EXPIRES OCT. 31, 2022